

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS SMITH,)	
)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:24-159
)	Judge Nora Barry Fischer
)	Magistrate Judge Keith Pesto
NORTHERN CAMBRIA POLICE, et al.,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 16th day of January, 2025, after a Report and Recommendation was filed by Magistrate Judge Keith Pesto on July 16, 2024, (Docket Nos. 5, 6), recommending that Plaintiff Thomas Smith's Complaint be dismissed as frivolous pursuant to the screening provisions of 28 U.S.C. § 1915(e)(2), that leave to amend be denied, as futile, and directing Plaintiff to file any objections within 14 days, and Plaintiff having submitted a Letter dated August 20, 2024, (Docket No. 7), which the Clerk has docketed as correspondence and the Court will consider as lodging objections to dismissal of this suit, and this matter having been recently reassigned to the undersigned for prompt disposition of the matter, (Docket No. 8), and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, (Docket Nos. 5, 6), which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Objections [7] are OVERRULED;

IT IS FURTHER ORDERED that Plaintiff's Complaint [4] is dismissed, with prejudice, as frivolous pursuant to the screening provisions of 28 U.S.C. § 1915(e)(2) and that leave to amend is denied, as futile;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and

FINALLY, IT IS ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Pittsburgh, PA, 15219 within thirty (30) days.

s/ Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: Magistrate Judge Keith Pesto

cc: Thomas Smith
910 Philadelphia Ave.
Apartment 4
Northern Cambria, PA 15714
(first class mail)